

G O D D A R D L A W P L L C

39 Broadway, Suite 1540 | New York, NY 10006

Office. 646.964.1178

Fax. 212.208.2914

Frances@goddardlawnyc.com

WWW.GODDARDLAWNYC.COM

November 7, 2024

The Hon. Paul A. Engelmayer
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: Kurtanidze v. Mizuho Bank, Ltd.
Case No.: 23-cv-8716 (PAE)

Your Honor:

This firm represents the Plaintiff, David Kurtanidze, in the above-referenced matter. I write pursuant to Section 2.C. of the Court's Individual Rules, concerning a discovery dispute that has arisen in this case.

On November 1, 2024, and November 4, 2024, Defendant Mizuho Bank, Ltd. notified Plaintiff of six subpoenas duces tecum it served or will be serving in the above-referenced matter. All six serve no purpose but to harass, embarrass, or cause unnecessary annoyance to Plaintiff by, among other things, interfering with his wife's livelihood and delving into subjects that are unrelated to any claim or defense at issue in this lawsuit. *E.g.*, *Gambale v. Deutsche Bank*, No. 02civ4791HBDfE, 2003 WL 115221, *2 (S.D.N.Y. Jan. 10, 2003).

Subpoena to Celerity IT, LLC

From Celerity IT, LLC ("Celerity") Defendant seeks, "All records related to the termination, and rationale for such termination of David Kurtanidze's contract to perform work for Credit Suisse in or around 2015." Plaintiff ceased working for Celerity two years before he started working for Defendant. Defendant asserts that this information may show that Defendant lied on his job application, but Defendant performed a thorough background investigation of Plaintiff before hiring him. This subpoena serves no purpose but to harass and embarrass Plaintiff.

Subpoena to Adenza, Inc.

From Adenza, Inc. ("Adenza"), Defendant seeks records from Plaintiff's spouse's employer concerning maternity leave or FMLA leave she requested in 2019 and 2020. Defendant

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asserts that these documents will show whether Plaintiff was a primary caregiver for their child born in 2019. However, leaves of absence taken, or requested, by Plaintiff's spouse related to her having given birth are unlikely to include any details about who had primary responsibility for the infant while Plaintiff's spouse recovered from childbirth. Moreover, the information sought is completely irrelevant to the issue of whether Defendants discriminated against Plaintiff because of his gender, race or ethnicity, and disability status. This subpoena serves no purpose but to harass Plaintiff and his spouse, and to interfere with the relationship between Plaintiff's spouse and her employer.

Further, this subpoena requires Adenza to produce documents on November 17, 2024, which is after the discovery deadline in this action.

Subpoenas to Banks

Defendant issued subpoenas to Customer Bank, TD Bank, ReadyCap Lending, LLC, and Axxos Bank, seeking documents related to any application for a Paycheck Protection Program ("PPP") loan application submitted by Plaintiff. Defendant asserts that the requested information is likely to show whether Plaintiff engaged in business operations for other entities while he was supposed to be working for Defendant, but this is not the case. The PPP loan application was standard across all lenders, and includes no information about who performs what operational role on behalf of the applicant. The subpoenas are not reasonably calculated to lead to the discovery of admissible evidence and serve no purpose but to harass Plaintiff.

The undersigned counsel certifies that she met and conferred with Defendant's counsel via telephone on November 5, 2024, in an attempt to resolve the parties' disagreements concerning the subpoenas. We were unsuccessful.

Plaintiff respectfully requests that the Court quash the six subpoenas and issue a protective order to prevent Defendant from obtaining the information sought by the subpoenas. Plaintiff requests an informal conference with the Court to resolve these disputes.

I thank the Court for its time and consideration.

Very truly yours,

GODDARD LAW PLLC




Frances Codd Shusarz

Cc: All counsel of record

To the extent the motion is opposed, defendant Mizuho Bank, Ltd. is directed to file a response no later than **Wednesday, November 13, 2024.**

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Date: November 8, 2024